



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE  
REFER TO FILE: PD-1

August 9, 2010

TO: Each Supervisor

FROM: Gail Farber  
Director of Public Works

### **ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY BOARD MEETING OF JULY 19, 2010**

On July 19, 2010, my staff attended a special Board meeting of the Alameda Corridor-East (ACE) Construction Authority. A copy of the July 19, 2010, agenda and adopted minutes of the May 24, 2010, and June 28, 2010, regular Board meetings are attached. The following items were discussed at the meeting, which are of interest to the County of Los Angeles.

**Agenda Item VII** – The Chief Executive Officer reported that staff would submit an application in August seeking a grant of \$10 million from the United States Department of Transportation TIGER II program for the Nogales Street Grade Separation project.

**Agenda Item IX** – The Board approved the ACE budget for Fiscal Year 2010-11 in the amount of \$109.380 million, which is an 11.8 percent increase from the approved Fiscal Year 2009-10 budget of \$97.828 million. The increase is the result of additional project activities. This includes the proposed 3 percent average merit increase, which modifies the action in the May 24, 2010, ACE Board meeting.

**Agenda Item X** – The Board adopted staff's recommendation of the Annual Anticipated Disadvantaged Business Enterprise Participation Level of 15 percent for Federal Fiscal Year 2011, covering the period from October 1, 2010, through September 30, 2011. Of the 15 percent overall goal, ACE expects to achieve 7 percent by race-neutral methods and 8 percent by race-conscious methods.

Each Supervisor  
August 9, 2010  
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The next Board meeting will be held on August 23, 2010, at 2 p.m., at the Irwindale City Hall Chambers.

HF:pr

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Attach.

cc: Chief Executive Office (William T Fujioka)  
Executive Office



## ***Alameda Corridor-East Construction Authority***

4900 Rivergrade Rd. Ste. A120 Irwindale, CA 91706 (626) 962-9292 fax (626) 962-3552 [www.theaceproject.org](http://www.theaceproject.org)

**ALAMEDA CORRIDOR-EAST CONSTRUCTION AUTHORITY  
BOARD OF DIRECTORS  
SPECIAL MEETING AGENDA  
Monday, July 19, 2010 – 2:00 P.M.  
Irwindale City Hall  
5050 Irwindale Avenue  
Irwindale, CA 91706**

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Members of the public may comment on any item on the agenda at the time it is taken up by the Board. We ask that members of the public come forward to be recognized by the Chair and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a three-minute time limit on individual remarks at the beginning of the discussion.

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|-------|--|-------------|
| I.    | Pledge of Allegiance   |             |
| II.   | Roll Call and Introductions  |             |
| III.  | Approval of Minutes of May 24, 2010 (Pages 1-3)  | Action      |
| IV.   | Approval of Minutes of June 28, 2010 (Pages 4-7)   | Action      |
| V.    | Public Comment   |             |
| VI.   | Chairman's Remarks   |             |
| VII.  | Chief Executive Officer's Report (Pages 8-10)  | Information |
| VIII. | Hearing on Resolution of Necessity for Property Acquisition for the Nogales Street Grade Separation Project in the City of Industry, CA<br>Resolution No. 10-01 904 Nogales Street, City of Industry, CA (Pages 11-40) | Action      |
| IX.   | Approval of FY 2011 Budget (Pages 41-69)   | Action      |
| X.    | Approval of Annual Anticipated DBE Participation Level for Federal Fiscal Year 2011 (Page 70)  | Action      |

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The ACE Construction Authority is constituted of seven (7) member jurisdiction; the Cities of El Monte, Industry, Montebello, San Gabriel and Pomona, the County of Los Angeles and the San Gabriel Valley Council of Governments. A San Bernardino County Council of Governments representative is an ex-officio Board member. Each member or alternate has one vote. A quorum of the ACE Construction Authority is no less than four (4) of its total voting membership. Actions taken by the ACE Construction Authority shall be by simple majority of the members present with a quorum in attendance except for personnel actions, the annual budget, matters dealing with the Administrative Code or matters requiring subsequent approval by the SGVCOG, all of which shall require five (5) votes. All disclosable public records related to this meeting are available for viewing at the ACE office above during normal working hours.

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|-------|--|--|
| XI.   | Approval of Positions on State Legislation (Pages 71-72)   | Action                                       |
|       | <ul style="list-style-type: none"> <li>• AB 1104 (Monning) - Support</li> <li>• AB 1955 (De La Torre) - Oppose</li> <li>• SB 409 (Ducheny) - Monitor</li> </ul>  |  |
| XII.  | Quarterly Project Report (Pages 73-87)   | Information                                  |
| XIII. | Closed Session: The Board will adjourn to closed in accordance with Government Code Section 54956.9(a) to discuss existing litigation (two cases)  |  |
|       | <ul style="list-style-type: none"> <li>• Los Angeles Superior Court Case No. BC429699<br/>Alameda Corridor-East Construction Authority vs MIPCO, L.L.C., et al., and</li> <li>• Los Angeles Superior Court Case No. BS 125565<br/>MIPCO, L.L.C., et al., vs Alameda Corridor-East Construction Authority</li> </ul>  | Possible<br>Action<br><br>Possible<br>Action |
|       | And in accordance with Government Code Section 54956.8 for Conference with Real Property Negotiators to discuss:<br>Property Address: 405 S. Del Mar Avenue San Gabriel, CA 91776<br>Agency Negotiator: Mark Mendoza, Paragon Partners<br>Negotiating Parties: ACE Construction Authority and San Gabriel Trench Hyrail, LLC<br>Under Negotiation: Price and Terms | Possible<br>Action                           |
|       | and in accordance with Government Code Section 54957 to discuss the Performance Evaluation of the Chief Executive Officer  | Possible<br>Action                           |
| XIV.  | Adjournment  | Action                                       |



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### ACE Construction Authority Board of Directors May 24, 2010 Meeting Minutes

- 1. Roll Call & Introductions** - The meeting of the Board of Directors of the Alameda Corridor-East Construction Authority was called to order at 2:01 at the Irwindale Council Chambers, 5050 Irwindale, California. In attendance were:

Tim Spohn, Industry  
Tom King, SGVCOG  
David Gutierrez, San Gabriel  
Stephen Atchley, Pomona  
Michael Antonovich, LA County Board of Supervisors

#### Staff

Rick Richmond, Chief Executive Officer  
Joe Silvey, Legal Counsel  
Deanna Stanley  
Paul Hubler  
Cecilia Cardenas

#### Guests

Jeanne Harwin, Jacobs Engineering  
Duncan Lestina, Harris & Associates  
Joan McGrath, Dragados USA

- 2. Pledge of Allegiance** – Member David Gutierrez led the pledge of allegiance.
- 3. Approval of April 26, 2010 Minutes** – The Board was distributed a revised minutes. A motion was made to approve the revised minutes of April 26, 2010.  
M/S/C/Gutierrez/King/Unanimous
- 4. Public Comments** – There were no public comments.
- 5. Chairman's Remarks** – Chairman Spohn indicated the Board would be considering the performance of the Chief Executive Officer at the June meeting and material regarding this matter would be sent to each member.
- 6. Chief Executive Officer's Report** – Mr. Richmond reported staff has been involved in discussions regarding drafting senate legislation for reauthorization of the SAFETEA-LU. There has not been a bill from the senate. The House bill was reviewed and staff was able to propose changes which we feel would be beneficial to ACE and staff will continue to follow up.

Mr. Richmond indicated a draft of the Phase II study was circulated to the Board and would be available on the ACE website for download.

- 7. Approval of Acceptance and Close Out of Design Contract with AECOM, USA, Inc. for the Ramona Blvd. Grade Separation Project** – Mr. Richmond indicated the completion of the final audit now permitted the closeout of the Ramona Blvd grade separation. He reported the DBE subcontracting goal for the project was 20% and closed out at 19.7%. He reminded the Board that approval of this item has budget impact.

A motion was made to accept the design contract with AECOM (Formerly DMJM+Harris) for the Ramona Blvd. grade separation project as being satisfactorily complete.

M/S/C/King/Atchley/Unanimous

- 8. Approval of Contract Amendment for Design Services for AECOM, USA, Inc. for the Nogales Street Grade Separation Project** – Mr. Richmond indicated that based on various community concerns the design for the Nogales Street grade separation required additional effort which would address the most significant issues. Based on discussions with property owners the detour had rather significant perceived hardships which could be satisfied by a number of design changes. He reported that these changes would positively affect the costs associated with land acquisition. Staff has negotiated with the designer the amount to perform such changes in an amount of \$218,694.

A motion was made to authorize the Chief Executive Officer to amend the design services contract with AECOM, USA, Inc for the Nogales Street grade separation (LA subdivision) to add \$218,694 for a new contract value of \$3,727,101.

M/S/C/Atchley/King/Unanimous

- 9. Approval of FY 2011 Budget** – Mr. Richmond reviewed the status of the goals and accomplishments of the 2010 fiscal year budget at length. He reviewed the goals proposed for the fiscal year 2011. Carlos Monroy reviewed the budget expenditures of fiscal year 2010 and proposed budget for fiscal year 2011. The proposed budget for fiscal 2011 was discussed at length. Member Antonovich indicated he had concerns with the Authority proposing a merit pool for salary increases in light of today's economic climate. After discussion a motion was made by Member King to approve the Fiscal Year 20100 budget as submitted with the exception of the line item for merit increases. The CEO was directed to return this item to the Board with additional information for discussion. M/S/C/King/Atchley/Unanimous

- 10. Closed Session** – Mr. Silvey announced the Board would adjourn to closed session in accordance with Government Code Section 54956.9(a) to discuss existing

litigation – Los Angeles Superior Code Case No BS 1223376 Edward Rowland LLC and Golden Pacific Realty vs ACE Construction Authority and Caltrans and Los Angeles Superior Court Case No. BC 429699 Alameda Corridor-East Construction Authority vs MIPCO, LLC et al.

The Board returned from closed session and Mr. Silvey announced there was no action taken by the Board that needed to be reported.

**11. Adjournment** – The meeting was adjourned at 3:08PM



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### **ACE Construction Authority Board of Directors June 28, 2010 Meeting Minutes**

1. **Roll Call** – Chairman Spohn called the meeting to order at 2:01PM at the City of Irwindale Council Chambers. In attendance were:

Tim Spohn, Industry  
Tom King, SGVCOG  
David Gutierrez, San Gabriel  
Patricia Wallach, El Monte  
Frank Gomez, Montebello  
Michael Antonovich, County of Los Angeles  
Steven Atchley, Pomona

#### Staff

Rick Richmond, Chief Executive Officer	
Joe Silvey, Counsel	
Deanna Stanley	Cecilia Cardenas
Charles Tsang	Felix Sarao
Victoria Butler	Paul Hubler
Carlos Monroy	
Regina Talamantez	
Lou Cluster	

#### Guests

Alan Ude, LA County Public Works  
Bryce Little, PB Americas  
Gary Neely, Senator Bob Huff  
Rob Klowsky, HDR Engineering  
Bryce Little, PB  
Lisa Maurath, PB  
James Faber, AECOM

2. **Pledge of Allegiance** – Member Gutierrez led the pledge of allegiance.
3. **Approval of May 24, 2010 Minutes** – Mr. Richmond announced the minutes for the May 24, 2010 meeting were not available but would be included in the July agenda.
4. **Public Comments** – There were no public comments.
5. **Chair Report** – Chairman Spohn reported he and Rick Richmond provided a project briefing in late May to the CTC's Executive Director, Bimla Rhinehart and Deputy Director Maura Twomey. He reminded the Board the CTC is responsible



for programming and allocating most of the Prop IB bond funds.

6. **Chief Executive Officer's Report** – Mr. Richmond reported staff has been working with the Senate staff to include ACE concerns and suggestions for the Senate version of the authorization bill. ACE was asked to provide specific proposed language and a copy of the letter sent to the Senate Policy Advisor for Transportation is included in the Board's packet.

Mr. Richmond introduced Felix Sarao, ACE's new Contracts Manager. Mr. Richmond and the Board presented awards to Regina Talamantez and Lou Cluster, both of whom were leaving the Authority.

Victoria Butler, Senior Project Manager presented project update photos for the Sunset Avenue grade separation project.

7. **Presentation of Phase II Study** – Mr. Richmond reminded the Board that the original ACE Program was developed in 1997 which identified the projects to be included in the overall program. He indicated with the passage of time and the near completion of Phase I the Phase II study was initiated to revisit the information such as traffic counts and wait times that went into the original study to re-evaluate or confirm the best locations for the Phase II projects. Mr. Lou Cluster reviewed the elements of the Phase II study. He indicated the traffic study consisted of data collection, development of future motor vehicle traffic volumes, future train movement forecast, delay methodology and CPUC formula. He reviewed daily vehicle delay forecast for the Alhambra and LA subdivisions for Fullerton Road, San Antonio Ave and Fairway Drive and LA subdivision for Stimson Ave, Montebello Blvd., Workman Mill, Durfee Ave and Turnbull Canyon Rd. Mr. Cluster reviewed the PUC ranked locations. He indicated the study also considered environmental impacts/feasibility, unusual utility relocation requirements, concept level real estate impacts and conceptual construction cost estimates. He reviewed the original Phase II adoption locations and other alternatives considered in addition to conceptual costs. In conclusion, staff indicated there were additional meetings scheduled with the affected cities and it was anticipated a recommendation would be made in August or September.
8. **Approval of Plans, Specifications and Estimates for Fiber Optic Relocation for the San Gabriel Trench** - Mr. Richmond reviewed a schematic of the San Gabriel Trench fiber optic relocation duct bank. He indicated the fiber optic lines were in an area where the shoofly would be built and staff felt it was necessary to

relocate them during preconstruction activities at a cost of \$4-5 million. He indicated approval would be contingent upon the release of a Finding of No Significant Impact (FONSI), the federal environmental clearance and execution of an agreement with the Union Pacific. He indicated the FONSI has been delayed by the historic preservation and that staff has been working with the Union Pacific to negotiate a reasonable agreement. He indicated there would be extra ports in the structure for additional lines if or when necessary.

A motion was made to approve the plans, specifications and estimates and authorization to solicit construction bids for the fiber optic relocation necessary for the San Gabriel Trench subject to Caltrans' final approval for the project under the federal environmental compliance process (NEPA).

M/S/C/King/Gutierrez /Unanimous

**9. Approval of Agreement with Sprint Communications Company and Level 3 Communications for Fiber Optic Line Relocation for the San Gabriel Trench**

Mr. Richmond indicated the collectible work agreements were with regard to the fiber optic relocation discussed earlier for the San Gabriel Trench. He reported an estimated cost for Sprint relocation of \$837,849 and estimated cost for the Level 3 relocation of \$915,734. He indicated ACE is responsible for reimbursement for the actual costs and carries the right to audit their costs on the work.

A motion was made to authorize a collectible work authorization with Sprint Communications Company LP and Level 3 Communications LLC for fiber optic line relocations necessary for the San Gabriel Trench for an estimated cost of \$837,849 Sprint and Level 3 estimated cost of \$915,734 excluding related cost other fiber optic duct bank installation.

M/S/C/Gutierrez/King/Unanimous

**10. Approval of Ongoing Authority Support Contract Amendments and Annual Task Orders**

– Mr. Richmond explained the support services contracts were approved annually by either task orders or contract amendments. Services included those required to continue to move the project forward and support its efforts in areas such as state and federal representation, property acquisition, relocation, surveying and public outreach. He reviewed the tasks of each contractor and the proposed annual task order or contract amendment. He also reminded the Board that the authorization would include a 10% contingency allowance in accordance with normal agency procedures. During the discussion related to Burke, Williams and Sorensen approval Joe Silvey recused himself. A motion was made to approve:

- Prince Global Solutions, LLC annual task order for \$208,600;
- Capital Representation Group contract amendment for \$55,000;
- Padilla & Associates annual task order for \$292,000;
- First Southwest Company contract amendment for \$15,000;
- BICEP contract amendment for \$65,000;
- CLMC, Incorporated contract amendment for \$72,000;
- Paragon Partners, Ltd. annual task order for \$1,393,101;
- Del Richardson & Associates, Inc. annual task order for \$145,842;
- J.L. Patterson & Associates, Inc. annual task order for \$40,000;
- Wagner Engineering & Survey annual task order for \$120,400;
- Terry A. Hayes Associates annual task order for \$157,197;
- MWH Americas, Inc. annual task order for \$230,557;
- David Lang & Associates annual task order for \$67,000;
- Lee Andrews Group Inc. annual task order for \$742,000;
- Epic Land Solutions, Inc. annual task order for \$704,370;
- Vasquez and Company, LLC annual task order for \$35,000; and
- Burke, Williams & Sorensen, LLC for \$355,000.

M/S/C/Atchley/Wallach/Unanimous

11. **Closed Session** – Counsel reported the Board would adjourn to closed session in accordance with Government Code Section 54956.9(a) to discuss existing litigation: Los Angeles Superior Court Case No. BC429699 – Alameda Corridor-East Construction Authority vs MIPCO, LLC et al and in accordance with Government Code Section 54957 to discuss the performance evaluation of the Chief Executive Officer.

The Board returned to open session and counsel announced there was no action taken by the Board.

12. **Adjournment** –The meeting was adjourned at 3:35PM